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EXAMINER	
WEINER,	

ART UNIT	PAPER NUMBER
1507	7

15N2/0306

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DATE MAILED: 03/06/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 12-21-94 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____.

Part II SUMMARY OF ACTION

1. ☒ Claims 1-29 are pending in the application.
   Of the above, claims 28-29 are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-27 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application apppears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

PTOL-326 (Rev. 2/93)

Part III DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed December 21, 1994 have been fully considered but they are not deemed to be persuasive. Garth discloses a lithographic printing plate coated with (A) *a resole resin,* (B) a *novolak resin* (cresol formaldehyde resins (claims 3,16)), (C) a naphthoquinone diazide sulfonic acid (photosensitive ingredient), and (D) a dyestuff (Crystal Violet SC) *(infrared absorber)* as seen in Example 2 of Garth. Garth does teach a composition that contains all the ingredients of the claimed radiation-sensitive composition comprising of a resole resin, a novolak resin, an infrared absorber with a photosensitive ingredient.

Double Patenting

2. Claims 1-27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 5,372,907. Although the conflicting claims are not identical, they are not patentably distinct from each other because the halolalkyl-substituted s-triazine can be a latent Bronsted acid.

U.S. Patent No. 5,372,907 claims a radiation-sensitive composition comprising an admixture of (1) a resole resin, (2) a novolac resin, (3) a latent Bronsted acid and (4) an infrared absorber. The claimed invention is claiming a radiation-sensitive composition comprising (1) a resole resin, (2) a novolac resin, (3) **a haloalkyl-substituted s-triazine** (in which the halolalkyl-substituted s-triazine can supply a proton) (a latent Bronsted acid supplies a proton) and (4) an infrared absorber.

Claim Rejections - 35 USC § 103

3. Claims 1-27 are rejected under 35 U.S.C. § 103 as being unpatentable over Garth (Great Britain 2,082,399) in view of Stahlhofen (4,458,000) and Newman (4,708,925).

Garth discloses a lithographic printing plate coated with (A) *a resole resin,* (B) a *novolak resin* (phenol formaldehyde resin or *cresol formaldehyde resins (claims 3,16)*), (C) a naphthoquinone diazide sulfonic acid (photosensitive ingredient), and (D) a dyestuff (Crystal Violet SC) *(infrared absorber)* as seen in Example 2 of Garth.

Garth discloses the claimed invention except does not teach a haloalkyl-substituted s-triazine for the photosensitive ingredient , does not teach the specified an infrared absorber (dependent claims 12, 25) but teaches an infrared absorber (Crystal Violet SC) and does not specifically teach a resole resin derived from a bisphenol-A and formaldehyde (dependent claims 2,15).

Stahlhofen teaches that organic halogen compounds used as acid donors can be a s-triazine derivatives (haloalkyl-substituted) or a naphthoquinonediazidesulfonyl halides where the halides can be fluorides, chlorides or bromides, in particular the chlorides are preferable (see column 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a haloalkyl-substituted s-triazine as the photosensitive ingredient in place of the orthoquinone diazide photosensitizer because Stahlhofen teaches that they are equivalents and the expectation of the same or similar results with these two resins would be expected.

Newman teaches a photosensitive composition comprising a phenolic resin, an onium salt and a spectral sensitizer which can be used for printing plates. The spectral sensitizers include cyanine dyes (see column 8, lines 1-29). Newman teaches the functional equivalence of cresols and bisphenol-A as an ingredient for forming resole resins or novolak resins (see column 3, lines 40-64).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use known spectral dyes such as cyanine dyes to increase the spectral range into the infrared region, as taught by Newman which is available knowledge in the art. In addition, the skilled artisan would be motivated to use resole resins made from bisphenol-A in place of resole resins made from cresols because they are equivalent and the expectation of the same or similar results with these two resins would be expected.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Weiner whose telephone number is (703) 308-4396.

LSW

Laura S. Weiner
February 24, 1995

Marion E. McCamish

MARION E. MC CAMISH
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ART UNIT 157